

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Waltraud ANKENBAUER, et al.

Application No.: 09/269,860

Filed: March 10, 2000

For: THERMOSTABLE NUCLEIC
ACID POLYMERASE FROM
THERMOCOCCUS GORGONARIUS

Customer No.: 41504

Confirmation No. 1720

Petitions Examiner: Frances Hicks

Office of Petitions

DECLARATION UNDER 37 C.F.R.
§1.137(b)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Winsome St. Rose, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. § 1001), and may jeopardize the validity of any patent issuing thereon, state and declare as follows:

1. All statements made herein of my own knowledge are true, and statements made on information or belief are believed to be true and correct.

2. I am the Senior Patent Coordinator for Roche Molecular Systems, Inc. ("RMS"). I have served in this capacity or similar positions since June 2, 2002.

3. I have read the Decision on Petition to Revive for this patent application. As described in more detail below, the entire period of the delay, until the filing of the Petition to Revive the abandoned application, was unintentional. Specifically, the delay from the mailing of the Notice of Allowance on January 9, 2002, through the mailing of the Notice of Abandonment on May 16, 2002, and until our discovery of these documents (Notices of Allowance and Abandonment) during examination of the file in September, 2006, was unintentional.

Furthermore, upon discovery in late August, 2006 of the abandoned status of the application, we filed the petition to revive on November 10, 2006. Therefore, any delay was unintentional.

4. In my position as Senior Patent Coordinator for RMS since June 2, 2002, I oversaw the timely prosecution of patent applications and coordinated work-flow between in-house and outside counsel on various patent matters.

5. The complexity of this case is evidenced by the involvement of numerous persons and different entities located on different continents. Specifically, the inventors and the assignee for this application are located in Germany (Roche Diagnostics GmbH, Mannheim, Germany), while the in-house counsel and persons primarily responsible for the prosecution of the application were employed by RMS (Alameda, CA, USA) a different subsidiary of the parent company Hoffman-La Roche. In addition, the case was prosecuted by numerous persons, including in-house counsel and outside counsel from the law firm of Pennie and Edmonds, and later, Townsend and Townsend and Crew LLP.

6. A central figure in the events that led to the unintentional abandonment of the application was Douglas Petry. Mr. Petry was a patent agent employed by RMS at the time the application was filed. Mr. Petry was the person to whom the Patent Office mailed the Notice of Allowance, and later, the Notice of Abandonment. Mr. Petry's address was listed as Roche Molecular Systems, 1145 Atlantic Avenue, Alameda, CA, 94501. Mr. Petry left RMS employment on July 21, 2001 (before the mailing of the Notice of Allowance on January 9, 2002). Despite numerous attempts to change the correspondence address (see, Exhibits B, C, and D) the Patent Office continued to address mail to Mr. Petry, even after his departure from the company.

7. In the Request to Change Correspondence Address, filed February 13, 2001, (see, Exhibit D) the address was purposely generalized to: Roche Molecular Systems, Patent Department. This was done in an effort to reduce the likelihood of correspondence from the Patent Office being misplaced. Specifically, this change was made to force the mail clerks at RMS to forward any and all mail to the Patent Department at RMS. Notably, despite this effort,

the change was never recorded at the U.S. Patent Office and thus both the Notice of Allowance and the Notice of Abandonment were wrongly addressed to Mr. Petry. The Notice of Allowance was sent to Mr. Petry nearly three years after the first request to change the Correspondence Address to a different address, and nearly one year after the request generalizing the address.

8. I have reviewed the internal RMS files for this patent application. The files contain all correspondence that we were aware of during the prosecution of the application between RMS and our outside Counsel Pennie and Edmonds, as well as any communication between either RMS or Pennie and Edmonds, with the U.S. Patent Office. The files do not contain the Notice of Allowance or the Notice of Abandonment. Further, there is no evidence in the file indicating that either RMS or Pennie and Edmonds was aware of the abandoned status of the application until the copy of the file obtained from the Patent Office was examined in late August 2006. It is my belief that the Notice of Allowance and the Notice of Abandonment were never received by either RMS or Pennie and Edmonds. Furthermore, as evidenced by the correspondence contained in the files kept by RMS and Pennie and Edmonds, it is my belief that neither RMS nor Pennie and Edmonds was aware of the Notice of Allowance or the Notice of Abandonment.

9. It was not late August 2006, following the inspection of the files at the U.S. Patent Office that the abandoned status of the case was discovered. Therefore, the abandonment of the application and any perceived delay in filing a petition to revive the application was unintentional.

SEQUENCE OF EVENTS

10. A time line of events (Exhibit A) describing the prosecution of this application accompanies this declaration. I have reviewed this timeline, and to the best of my knowledge it is accurate and complete.

11. In a Preliminary Amendment and combined Declaration/Power of Attorney filed April 1, 1999, prior to the entry of the case into the U.S. as a National Stage of International Application No. PCT/EP97/05393, the following persons were listed as having

Power of Attorney: Douglas A. Petry, Joseph A. Kirk, and Dennis P. Tramaloni. Douglas Petry was directly involved in the prosecution of the application until he left RMS on July 21, 2001. Joseph P. Kirk, Jr. was not directly involved in the prosecution of the application, and was located in Nutley NJ, until he left Roche in early 2001. Dennis P. Tramaloni was not directly involved with the prosecution of this application, and is currently Senior Patent Counsel in Nutley, NJ.

12. Exhibit (B) shows a Request for Change of Correspondence Address was filed by Mr. Petry on July 30, 1999. The request states that effective immediately all future correspondence should be sent to the address associated with Customer No. 22829. The address associated with Customer No. 22829 is the general correspondence address for RMS: Roche Molecular Systems, 1145 Atlantic Ave., Alameda, CA, 94501.

13. On March 22, 2000, the U.S. Patent Office mailed a Notice of Acceptance of the Application under 35 U.S.C. §371, granting a filing date of March 10, 2000. The correspondence was addressed to Douglas Petry, in spite of the Request for Change of Correspondence Address filed approximately eight months prior.

14. Exhibit (C) is a copy of a paper filed by Douglas Petry on March 6, 2000. The paper grants Associate Power of Attorney to Victor K. Lee, who was Chief Patent Counsel at RMS until his departure from RMS on July 11, 2001. The paper also requested that effective immediately, that all future correspondence should be directed to Victor K. Lee, at Roche Molecular Systems, 1145 Atlantic Ave, Alameda, CA 94501.

15. On April 11, 2000, the Patent Office Mailed out a Filing Receipt and a copy of the Foreign Filing License, for the Non-Provisional Application. The correspondence was again addressed to Douglas Petry. The communication was marked as received on April 20, 2000.

16. On approximately September 28, 2000, the Patent Office mailed a Notice to Comply with Sequence Listings. The Notice was again addressed to Douglas Petry. The Notice was marked as received on October 2, 2000.

17. On January 29, 2001, Victor Lee submitted the required documents in response to the Notice to Comply with Sequence Listing, along with a Petition for a three-month extension of time under 37 C.F.R. 1.136(a).

18. Exhibit (D) shows a third Request filed by Douglas Petry on February 13, 2001, requesting a Change of Correspondence and Fee Address for all cases that he was listed as being the agent of Record for RMS. The request stated that all correspondence should be addressed to Customer No. 22829.

19. On March 13, 2001, the Patent Office sent a Restriction Requirement addressed to Douglas Petry. The communication was stamped as received on March 16, 2001.

20. On April 12, 2001, Victor K. Lee filed a response to the Restriction Requirement.

21. On May 25, 2001, Victor K. Lee filed an Information Disclosure Statement for this case.

22. On June 5, 2001, the Patent Office mailed an Office Action that was stamped as received on June 11, 2001. The correspondence was again addressed to Douglas Petry, despite the three previous requests for change of correspondence. At least as of September 19, 2001, Pennie and Edmonds was acting as outside counsel for this file, as evidenced by an e-mail from Rahul Pathak of Pennie and Edmonds regarding this application.

23. On September 24, 2001, a response and a Petition for a one-month extension of time was filed by Rahul Pathak for Jennifer Gordon of Pennie and Edmonds (RMS's outside counsel). The return postcard, accompanying the amendment, was addressed to Pennie and Edmonds. RMS was aware of this filing.

24. Exhibit (E) is a copy of the Power of Attorney filed by Dennis Tramaloni on December 13, 2001. The Power of Attorney appointed Jennifer Gordon, Nikolaus C. George

and George C. Jen as persons authorized to act on behalf of the assignee, Roche Diagnostics GmbH.

25. On December 14, 2001, Jennifer Gordon authorized an Examiner's Amendment in a phone interview with Examiner Hutson.

26. A Notice of Allowance and Notice of Draft Person's Patent Drawing Review was mailed by the Patent Office on January 9, 2002, addressed to Mr. Petry at RMS. There is no record of RMS or Pennie and Edmonds ever having received the Notice of Allowance or the Draft Person's Patent Drawing Review.

27. On March 7, 2002, Rahul Pathak at Pennie and Edmonds filed an amendment under 37 C.F.R. §1.121 to amend the specification by adding an abstract, identical to that of the International Application No. PCT/EP97/05393. The amendment did not refer to the Notice of Allowance mailed by the Patent Office on January 9, 2002, nor did the amendment refer to the defects in the drawings as indicated by the Draft Person's Patent Drawing Review that accompanied the Notice of Allowance mailed on January 9, 2002. Thus as far I am aware, neither RMS nor RMS's outside counsel (Pennie and Edmonds) was aware of the Notice of Allowance.

28. A Notice of Abandonment was mailed by the Patent Office on May 16, 2002. The Notice of Abandonment was also addressed to Douglas Petry at RMS, despite the numerous previous requests for a change of correspondence address. As with the Notice of Allowance, there is no record of either RMS or Pennie and Edmonds having ever received the Notice of Abandonment.

29. I am not aware, nor is there any evidence in RMS's files, of any correspondence from the Patent Office or the Examiner that the issue fee was due or that the application was abandoned until we received the copy of the file history in August, 2006 (as discussed later). As far as I am aware, no one from RMS or Pennie and Edmonds communicated with any representative at the Patent Office, or each other, regarding the existence of the Notice of Allowance or inquiring if the abandonment of the application was intentional.

30. On approximately January 29, 2004, the responsibility for prosecution of the application was transferred from RMS to Townsend and Townsend and Crew LLP as part of a file transfer including at least 17 different applications. At the time the case was transferred, RMS believed the application to be pending (as evidenced by the redacted Status Report shown in Exhibit H) and that the Patent Office had not yet responded to the amendment filed on September 24, 2001 or the amendment under 37 C.F.R. §1.121 filed on March 7, 2002.

31. Exhibit (I) is a copy of an assignment (with execution dates between 6/16/04 and 7/28/04) and Power of Attorney on behalf of Roche Diagnostics GmbH, filed with the Patent Office on August 20, 2004. The Correspondence Address was listed as Charles M. Doyle, Roche Molecular Systems, 1145 Atlantic Ave. Alameda, CA 94501. This reflects RMS's belief at that point that the application was still pending, as there is no reason to assign an abandoned application.

32. Exhibit (K) is a communication dated September 3, 2004, from the Patent Office to Charles M. Doyle at RMS confirmed the recordation of the assignment. There was no mention, however, by the Patent Office that the application was abandoned.

33. Exhibit (J) is a copy of a revocation and new Power of Attorney and Correspondence Address to be associated with Customer No. 41504 filed by George Jen on October 4, 2004. The return postcard from the Patent Office was dated October 7, 2004, and was sent to Townsend and Townsend and Crew LLP. Again, this correspondence from RMS indicated that RMS did not know the application was abandoned.

34. During the period from October 2004, until August 2006, RMS believed that the application was pending. Furthermore, RMS believed that the delay was due to the backlog of applications at the Patent Office.

35. On January 6, 2006, a communication was received from the Patent Office noting the Customer Number Record was changed to Customer No. 22829, as filed on August 20, 2004, nearly 16 months earlier, but the Patent Office made no mention in the communication that the application had been abandoned approximately three and one-half years earlier.

36. On or around June 2005, this application was listed as part of a settlement between Hoffman-La Roche (the parent company of RMS) and another entity. This settlement prompted RMS to investigate the status of the application.

37. In January 2006, RMS attempted to check on the status of the file. The electronic file history in PAIR, however, was not accessible to the legal department at RMS. Even though the customer number for RMS (22829) was listed, RMS did not have access to the application through Private PAIR. It was believed that this delay was also due to the backlog at the Patent Office and may have been complicated by the need for repeated Request for Change of Customer Number and Correspondence Address that had been filed in this case. RMS therefore began the process to gain access to the file at the U.S. Patent Office.

38. On August 16, 2006, Landon IP Inc. was given the power to inspect and make copies of the files. See, Exhibit (L).

39. The Power to Inspect was given to employees of Landon IP Inc. to gain access to the file at the U.S. Patent and Trademark Office because RMS was unable to access the application through Private PAIR. As a result of the inspection of the file at the Patent Office in August 2006, RMS discovered for the first time that a Notice of Allowance had been mailed on January 9, 2001, and that the application had been abandoned on May 16, 2002, for failure to pay the issue fee.

40. After the discovery of the abandoned status of the application, RMS began the process of identifying what may have happened and reviewed the RMS files, various meeting notes, and the original files from Pennie and Edmonds, which at this point were in storage due to the previous dissolution of Pennie and Edmonds as a law firm. RMS then worked with Townsend and Townsend and Crew on coordinating the Petition to Revive the application.

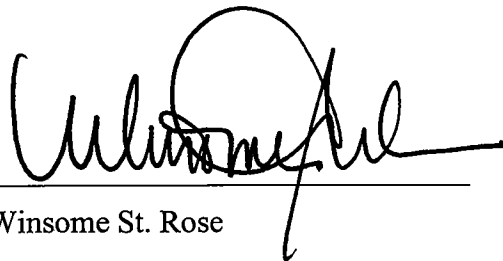
41. On November 10, 2006, a Petition to Revive the application, along with the Issue Fee and a new Power of Attorney for Customer No. 41504, was filed with the Patent Office. This Petition to Revive was Denied as indicated in the Decision on Petition mailed September 18, 2007.

42. In summary, the entire period of delay, from the mailing of the Notice of Allowance to the time RMS discovered the abandoned status of the application on or about August 24, 2006, for failure to pay the issue fee was not intended by any person at RMS. Upon discovery by RMS of the abandoned status of the application, a Petition to Revive the application for unintentional delay was prepared and timely filed. Because the application was never published, only the agents of record had access to the application transaction history through Private PAIR. Furthermore, due to delays on the part of the Patent Office in correcting the change of correspondence address and in granting power of attorney, persons associated with the prosecution of the application were not able to perform status checks or inspect the file. Thus, it was presumed that the application was pending and that the Patent Office was merely behind schedule in prosecuting the application. Further, due to the large number of persons involved in prosecuting the application, both in-house, as well as outside counsel, and the collapse of the first outside counsel's law firm, there was a lack of effective communication that may have contributed to the unintentional abandonment. Accordingly, the entire delay in payment of the issue fee, in filing the initial Petition to Revive the Application, and in filing this Renewed Petition under 37 C.F.R. §1.137(b) was unintentional.

Date:

December 18, 2007

By:

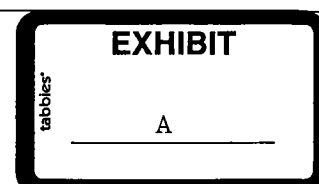


Winsome St. Rose

Attachments: Exhibits A-F
RCB:rcb
61200364 v1

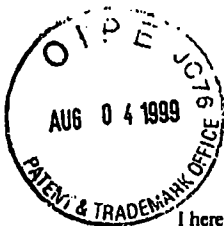
Timeline of Events
U.S. Patent Application No. 09/269,860

<u>DATE</u>	<u>EVENT</u>	<u>SIGNIFICANCE</u>
4/1/99	Preliminary amendment and Declaration/Power of Attorney filed	Persons originally having power of attorney in case were Douglas A. Petry, Joseph P. Kirk, and Dennis P. Tramaloni
7/30/99	Request for change of correspondence address from D. Petry to Customer number 22829	Request for address change never acknowledged or processed by Patent Office
3/6/00	D. Petry filed Associate Power of Attorney listing Victor Lee; second request for correspondence address change	Request for address change never acknowledged or processed by Patent Office
3/22/00	Patent Office mailed Notice of Acceptance of Application granting filing date of March 10, 2000; correspondence sent to D. Petry	Patent Office did not process the Request for Address Change filed on either 7/30/99 or 3/6/00
4/11/00	Patent Office mailed filing receipt and foreign filing license for application to D. Petry	Prior requests for address change on 7/30/99 and 3/6/00 not processed by Patent Office
9/28/00	Patent Office mailed Notice to Comply with sequence listing to D. Petry	Prior requests for address change on 7/30/99 and 3/6/00 not processed by Patent Office
1/29/01	Victor Lee responded to Notice to Comply with sequence listing	D. Petry was continuing to receive communication, in spite of request to Patent Office to change correspondence address
2/13/01	D. Petry filed third request to change correspondence address to Customer number 22829	Diligent effort by RMS to keep file updated, despite lack of response by the Patent Office
3/13/01	Restriction Requirement addressed to D. Petry	Patent Office had still not recognized nor processed any of the three previous attempts to change correspondence address
4/12/01	Victor Lee responded to Restriction Requirement	D. Petry was continuing to receive communication, in spite of request to Patent Office to change correspondence address
5/25/01	Victor Lee filed IDS	
6/5/01	Patent Office mailed Non-final Office Action to D. Petry	Patent Office had still not recognized nor processed any of the three previous requests to change correspondence address
9/24/01	Response to Non-final Office Action mailed by Pennie and Edmonds with 1-month extension of time; return postcard to Pennie and Edmonds marked 9/24/01	Pennie and Edmonds was actively prosecuting the application



12/13/01	D. Tramaloni filed Power of Attorney appointing George Jen at RMS, J. Gordon and N. George at Pennie and Edmonds as authorized agents	Roche Molecular Systems ("RMS") maintained efforts to provide access to persons actively involved in prosecuting the case
12/14/01	J. Gordon authorized Examiner's amendment in phone interview	Pennie and Edmonds had taken over active prosecution of the application
1/9/02	Notice of Allowance and Draft Person's Patent Drawing Review mailed to D. Petry	Notice was never received by RMS or Pennie and Edmonds. Patent Office continued to address mail to D. Petry despite at least three previous attempts to change the address of correspondence.
3/7/02	Rahul Pathak (of Pennie and Edmonds) filed amendment to add abstract to application; amendment did not mention the Notice of Allowance or the correction to the drawings	Examiner never contacted anyone at Roche or Pennie and Edmonds regarding the apparent lack of awareness of the Notice of Allowance mailed 3-months prior. Clearly, Roche was not aware of the allowance or the potential abandonment of the application.
5/16/02	Notice of Abandonment mailed by Patent Office to D. Petry	Notice was apparently never received by anyone at RMS or by outside counsel. Patent Office continued to address mail to D. Petry despite at least three previous attempts to change the address of correspondence. There is no evidence that the Examiner ever contacted anyone at RMS or Pennie and Edmonds during the time period from the mailing of the Notice of Allowance until, or after the mailing of the Notice of Abandonment
1/26/04	RMS status report labels application as "pending"	RMS believed that application was still pending and awaiting examination of the response to the Non-final Office Action mailed on 9/24/01 and the amendment mailed on 3/7/02.
8/20/04	Roche filed assignment and new Power of Attorney on behalf of Roche Diagnostics of Germany; correspondence was listed as Charles M. Doyle at Roche Molecular Systems	Roche believed the application was still pending (there is no reason one would assign an abandoned application).
9/3/04	Patent Office sent Notice of Recordation of Assignment and acknowledgement of the Request to Change Correspondence Address to Charles M. Doyle at RMS	Patent Office did not mention that application that was being assigned was abandoned

10/4/04	Revocation of Power of Attorney and new Power of Attorney to persons associated with Customer number 41504	Document signed by George Jen was apparently erroneously dated 3/19/03. Document was actually filed on 10/4/04 as shown by the postcard marked 10/07/04 by the Patent Office
10/11/05	Paralegal at Townsend (new RMS outside counsel) performed a status check on PAIRS; application was listed as abandoned.	Because PAIRS indicated that the application was abandoned at least 18 months prior to being transferred in as part of a file transfer to Townsend and Townsend and Crew. It is not clear whether or not Townsend and Townsend and Crew informed RMS of the abandoned status of the application.
1/6/06	Communication from Patent Office to RMS noting that the Customer number change request filed on 8/20/04 was acknowledged and processed	Patent Office responds to correspondence submitted nearly 18 months earlier
January 2006	RMS attempted to check Private PAIR to find status of case and was denied access because RMS did not have current power of attorney; RMS began preparation of documents to gain access to file at Patent Office.	Due to the non-publication status of case, access to file only available to persons currently listed as having Power of Attorney.
8/16/06	RMS filed revocation and substitute power of attorney appointing Customer number 22829 with power of attorney. Power to inspect and make copies granted to employees of Landon IP Inc.	RMS took active steps to gain access to file to determine status of the case.
8/23/06	Patent Office Sent communication confirming change of Power of Attorney	
on or about 8/24/06	Employees of Landon IP Inc. inspected the file and made copies, which were sent to Roche	Roche diligently took steps necessary to further prosecution of case that they believed to be currently pending.
8/24/06	Roche discovered Notice of Allowance and Notice of Abandonment	RMS first became aware of the abandoned status of the case.
11/10/06	Petition to Revive for unintentional abandonment filed.	Roche expeditiously sought to revive application after discovery of unintentional abandonment.
9/18/07	Patent Office mailed decision to DISMISS Petition to Revive.	
12/18/07	File Renewed Petition to Revive, along with one-month extension of time.	



430 Rec'd ~~ECT~~ STO 04 AUG 1999 T/1/2

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tina Dasco
(Print Name)

Date:

7-30-99

(Signature)

Tina Dasco

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor's Name(s): Ankenbauer et al.

Art Unit: Not Assigned

Serial No. 09/269,860, filed April 1, 1999

Examiner: Not Assigned

For: **THERMOSTABLE NUCLEIC ACID POLYMERASE FROM THERMOCOCCUS GORGONARIUS**

CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents
Washington, D.C. 20231

Alameda, CA
July 28, 1999

Sir:

Effective immediately, please direct all further communications in the above-identified patent application to the following address:

CUSTOMER NUMBER 22829

Respectfully submitted,

Douglas A. Petry

Douglas A. Petry, Ph.D.

Agent for Applicant

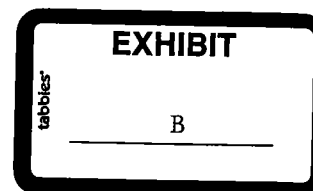
(Reg. No. 35321)

1145 Atlantic Avenue

Alameda, CA 94501

Telephone: (510) 814-2974

Telefax: (510) 814-2977





412 Rec'd PCT/PTO 10 MAR 2000 T
#3 sv

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.



Tina Dasco
(Print Name)

Date:

3-6-00

(Signature)

Tina Dasco

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor's Name(s): Ankenbauer et al.

Art Unit: To Be Assigned

Serial No. 09/269,860, (Priority Application No. PCT/EP97/05393)

Filed: April 1, 1999

Examiner: To Be Assigned

Attorney Docket No: 4453

For: **THERMOSTABLE NUCLEIC ACID POLYMERASE FROM THERMOCOCCUS GORGONARIUS**

ASSOCIATE POWER OF ATTORNEY

04/03/2000 WCLAYBRD 00000082 500812 09269860

01 FC:154 Assistant Commissioner for Patents
Washington, D.C. 20231

Alameda, CA
March 6, 2000

Sir:

The undersigned, Douglas A. Petry, holding an original Power of Attorney in the above-identified application, hereby grants an Associate Power of Attorney to:

Victor K. Lee, (Reg. No. 35,750)

EXHIBIT

tabbies

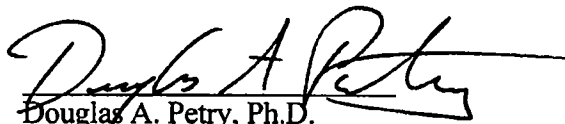
C

Further, effective immediately, please direct all further communications in the above-identified patent application to the following address, telephone number and facsimile number:

Victor K. Lee, (Reg. No. 35,750)
Roche Molecular Systems, Inc.
1145 Atlantic Avenue
Alameda, CA 94501
Telephone: (510) 814-2966
Facsimile: (510) 814-2973

Dated: 3/6/00

Respectfully submitted,



Douglas A. Petry, Ph.D.
Agent for Applicant
(Reg. No. 35321)
1145 Atlantic Avenue
Alameda, CA 94501
Telephone: (510) 814-2974
Telefax: (510) 814-2977

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box CN, Washington, D.C. 20231.

Christina Lonziser
(Print Name)

Date: February 13, 2001

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR CHANGES OF CORRESPONDENCE AND FEE ADDRESSES
AND
SUBMISSION OF POWER OF ATTORNEY

Alameda, California 94501
February 13, 2001

ASSISTANT COMMISSIONER FOR PATENTS
Box CN
Washington, D.C. 20231

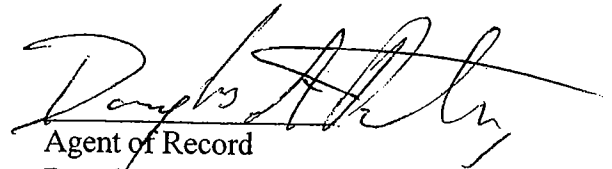
Sir:

I, the undersigned, Douglas A. Petry, hereby request entry of the changes contained on the accompanying spreadsheet into PTO records for the listed applications.

I am Agent of Record in each of the applications listed in the accompanying spreadsheet.

The accompanying spreadsheet is submitted on an IBM-compatible diskette as a Microsoft Excel spreadsheet. A paper copy of the spreadsheet is attached.

Respectfully submitted,



Agent of Record
Douglas A. Petry, Ph.D.
(Reg. No. 35,321)
1145 Atlantic Avenue
Alameda, CA 94501
Telephone: (510) 814-2974
Telefax: (510) 814-2973

EXHIBIT

D

Customer: 22829

Roche Molecular Systems, Inc.
1145 Atlantic Avenue
Alameda, CA 94501
Patent Department

	07121519		11/17/87	yes	yes	yes
	08345367		11/18/94	yes	yes	yes
	08934378		09/19/97	yes	yes	yes
	09078901		05/13/98	yes	yes	yes
	09105697		06/26/98	yes	yes	yes
	09193488		11/17/98	yes	yes	yes
	09204208		12/01/98	yes	yes	yes
	09254644		07/02/99	yes	yes	yes
	09269858		04/01/99	yes	yes	yes
	09269860		04/01/99	yes	yes	yes
	09270933		03/16/99	yes	yes	yes
	09704357		11/01/00	yes	yes	yes

#16
Dmt
12-17-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ankenbauer *et al.*
Application No.: 09/269,860

Group Art Unit: 1662

Filed: March 10, 2000

Examiner: R. Hutson

For: THERMOSTABLE NUCLEIC ACID
POLYMERASE FROM THERMOCOCCUS
GORGONARIUS

Attorney Docket No.: 4453

POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned attorney of record in the above-entitled application hereby appoint:

Jennifer Gordon (Reg. No. 30,753)
Nikolaos C. George (Reg. No. 39,201)
George C. Jen (Reg. No. 39,239)

to prosecute the above-identified application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office in connection therewith.

Respectfully submitted,

Date: December 13, 2001

Dennis Tramaloni

28,542
(Reg. No.)

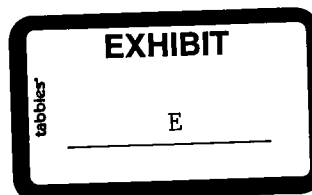
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Rahul Pathak
Rahul Pathak

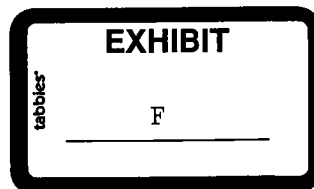
42,983
(Reg. No.)

CAL - 202124.1



-CONFIDENTIAL-

Roche Molecular Systems Status Sheet- Pending Cases							
P & E Docket No. RMS Docket No.	Att / Loc	Serial No.	Filed	Title	Assignee	Status	Claims
1803-288-999 4453 18500	Andrea Koster Mannheim	US 09/269,860	3/10/00	THERMOSTABLE DNA POLYMERASE FROM THERMOCOCCUS GORGONARIUS	Boehringer Mannheim GmbH	Pending: Response to Office Action Filed 3/07/02 Abstract sent to PTO 3/7/02	Purified thermostable DNA polymerase



CONFIDENTIAL-

Roche Molecular Systems Status Sheet- Pending Cases							
P & E Docket No. RMS Docket No.	Att/ Loc	Serial No.	Filed	Title	Assignee	Status	Claims
1803-288-999 4453 18500	Andrea Koster Mannheim	US 09/269,860	3/10/00	THERMOSTABLE DNA POLYMERASE FROM THERMOCOCCUS GORGONARIUS	Boehringer Mannheim GmbH	Pending: Response to Office Action Filed 3/07/02 Abstract sent to PTO 3/7/02	Purified thermostable DNA polymerase

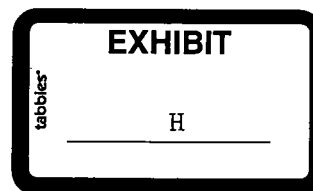
CA1 - 310596.1

tables***EXHIBIT**

G

RMS Patent Files to TOWN

BOX #	RMS Matter No.	Serial No	Filing Date	Patent No.	Status	IssDate	Attorney Application Title
1	18500/	09/269,860	01-Apr-1999		Pending		DOY THERMOSTABLE NUCLEIC ACID POLYMERASE FROM THERMOCOCCUS GORGONARIUS



PATENTS ONLY

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To the Honorable Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Waltraud Ankenbauer, Vitaly Svetlichny, Elizaveta Bonch-Osmolovskaya, Christine Ebenbichler, Bernhard Angerer, Gudrun Schmitz-Agheguian and Frank Laue

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 6/16/04, 6/17/04, 7/9/04, 7/28/04

2. Name and address of receiving party(ies):

Name: Roche Diagnostics GmbH

Address: Sandhoferstr 116

City: Mannheim State/Prov.: _____

Country: GERMANY ZIP: D-68305

Additional name(s) & address(es) ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

Patent Application No. 09/269,860 Filing date March 10, 2000

B. Patent No.(s) _____

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Charles M. Doyle

Registration No. 39,175

Address: Roche Molecular Systems, Inc.

1145 Atlantic Avenue

Patent Department

City: Alameda State/Prov.: CA

Country: USA ZIP: 94501

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

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8. Deposit account number:

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Charles M. Doyle (Reg. No. 39,175)

Name of Person Signing

Charles M. Doyle
Signature

18 August 2004

Date

6

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P.O. Box 1450, Alexandria, VA 22313-1450

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William J. Sullivan 8/20/04

EXHIBIT

tabbles

I

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U.S. DEPARTMENT OF COMMERCE

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To the Honorable Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Waltraud Ankenbauer, Vitaly Svetlichny, Elizaveta Bonch-Osmolovskaya, Christine Ebenbichler, Bernhard Angerer, Gudrun Schmitz-Agheguian and Frank Laue</p> <p>Additional names(s) of conveying party(ies) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: Roche Diagnostics GmbH</p> <p>Address: Sandhoferstr 116</p> <p>City: Mannheim State/Prov.: _____</p> <p>Country: GERMANY ZIP: D-68305</p> <p>Additional name(s) & address(es) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger</p> <p><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: 6/16/04, 6/17/04, 7/9/04, 7/28/04</p>	

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

<p>Patent Application No. 09/269,860</p> <p>Filing date March 10, 2000</p>	<p>B. Patent No.(s)</p>
<p>Additional numbers <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: Charles M. Doyle</p> <p>Registration No. 39,175</p> <p>Address: Roche Molecular Systems, Inc.</p> <p>1145 Atlantic Avenue</p> <p>Patent Department</p> <p>City: Alameda State/Prov.: CA</p> <p>Country: USA ZIP: 94501</p>	<p>6. Total number of applications and patents involved: 1</p> <p>7. Total fee (37 CFR 3.41):.....\$ 40.00</p> <p><input type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account</p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number:</p> <p>50-0812</p> <p>(Attach duplicate copy of this page if paying by deposit account)</p>
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To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

<p>Charles M. Doyle (Reg. No. 39,175)</p> <p>Name of Person Signing</p>	<p><i>Charles M. Doyle</i></p> <p>Signature</p>	<p>18 August 2004</p> <p>Date</p>
--	---	--

Total number of pages including cover sheet, attachments, and

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Waltraud ANKENBAUER of Oberanger 18, Penzberg, D-82377 Germany; Vitaly SVETLICHNY of Warmensteinacher Str. 91G, Bayreuth, D-95448 Germany; Elizaveta BONCH-OSMOLOVSKAYA of Lomonosovski Avenue 33-2-60, Moscow, 117192 Russia; Christine EBENBICHLER of Dorfstr. 5, Antdorf, D-82387 Germany; Bernhard ANGERER of Schuetzenstr. 20, Rosenheim, D-83024 Germany; Gudrun SCHMITZ-AGHEGUIAN of Wettersteinstr. 3, Bernried, D-82347 Germany; and Frank LAUE of Bachaecker 11, Paehl-Fischen, D-82396 Germany hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: THERMOSTABLE NUCLEIC ACID POLYMERASE
 FROM THERMOCOCCUS GORGONARIUS

Filing Date: March 10, 2000

Application No.: 09/269,860; and

WHEREAS, Roche Diagnostics GmbH, a German corporation located at Sandhoferstrasse 116, Mannheim, Germany D-68305, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 17.06.04

Waltraud ANKENBAUER

Dated: _____

Vitaly SVETLICHNY

Dated: _____

Elizaveta BONCH-OSMOLOVSKAYA

Dated: 17/06/04

Christine EBENBICHLER

Dated: _____

Bernhard ANGERER

Dated: 17/06/04

Gudrun SCHMITZ-AGHEGUIAN

Dated: 17/06/04

Frank LAUE

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Waltraud ANKENBAUER

Dated: 09 July 2004


Vitaly SVETLICHNY

Dated: _____

Elizaveta BONCH-OSMOLOVSKAYA

Dated: _____

Christine EBENBICHLER

Dated: _____

Bernhard ANGERER

Dated: _____

Gudrun SCHMITZ-AGHEGUIAN

Dated: _____

Frank LAUE

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Waltraud ANKENBAUER

Dated: _____

Vitaly SVETLICHNY

Dated: 28.07.2004


Elizaveta BONCH-OSMOLOVSKAYA

Dated: _____

Christine EBENBICHLER

Dated: _____

Bernhard ANGERER

Dated: _____

Gudrun SCHMITZ-AGHEGUIAN

Dated: _____

Frank LAUE

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Waltraud ANKENBAUER

Dated: _____

Vitaly SVETLICHNY

Dated: _____

Elizaveta BONCH-OSMOLOVSKAYA

Dated: _____

Christine EBENBICHLER

Dated: 18.06.04

Bernhard Angerer
Bernhard ANGERER

Dated: _____

Gudrun SCHMITZ-AGHEGUIAN

Dated: _____

Frank LAUE



09/269,860

PTO/SB/82 (09-03)

9200
#28**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**Application/Patent
Numbersas set forth in Schedule A appended
hereto

Filing/Issue Dates

as set forth in Schedule A appended
heretoAttorney Docket
Numbersas set forth in Schedule A appended
hereto

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

41504

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

41504

OCT 14 2004

OR

TECH CENTER 1600/2900

☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record. See 37 CFR 3.71.
Statements under 37 CFR 3.73(b) are enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name

George Jen, Senior Patent Counsel

Signature

Date

3-19-03

Telephone

510.814.2766

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

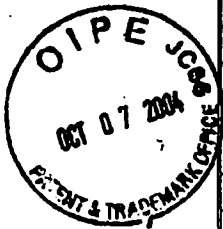
☐ *Total of _____ forms are submitted.

EXHIBIT

tabbles*

J

Schedule A (as attached to PTO/SB/0

[illegible]

OCT 14 2004

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 03, 2004

PTAS

ROCHE MOLECULAR SYSTEMS, INC.
CHARLES M. DOYLE
PATENT DEPARTMENT
1145 ATLANTIC AVENUE
ALAMEDA, CA 94501

700108587A



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RECORDATION DATE: 08/20/2004

REEL/FRAME: 015076/0901
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 18500-US

ASSIGNOR:

ANKENBAUER, WALTRAUD

DOC DATE: 06/17/2004

ASSIGNOR:

SVETLICHNY, VITALY

DOC DATE: 07/09/2004

ASSIGNOR:

BONCH-OSMOLOVSKAYA, ELIZAVETA

DOC DATE: 07/28/2004

ASSIGNOR:

EBENBICHLER, CHRISTINE

DOC DATE: 06/17/2004

ASSIGNOR:

ANGERER, BERNHARD

DOC DATE: 06/16/2004

ASSIGNOR:

SCHMITZ-AGHEGUIAN, GUDRUN

DOC DATE: 06/17/2004

ROCHE MOLECULAR SYSTEMS, INC.

File No.	18500-US
Date/By	9-3-04
Attorney	DOY/KOE
Action	
Due Date	
Final Date	

EXHIBIT

K

015076/0901 PAGE 2

ASSIGNOR:

LAUE, FRANK

DOC DATE: 06/17/2004

ASSIGNEE:

ROCHE DIAGNOSTICS GMBH

SANDHOFERSTR 116

MANNEHEIM, FED REP GERMANY D-68305

SERIAL NUMBER: 09269860

FILING DATE: 03/10/2000

PATENT NUMBER:

ISSUE DATE:

TITLE: THERMOSTABLE NUCLEIC ACID POLYMERASE FROM THERMOCOCCUS GORGONARIUS

JEFFREY OLSEN, EXAMINER

ASSIGNMENT DIVISION

OFFICE OF PUBLIC RECORDS

FORM PTO-1000 (Modified)
(Rev. 03-01)
OMB No. 0661-0027 (exp. 03/1/2002)
PC8A97V04

09/20/2004

ocket No.: 18300-US

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Bonch-Osmolovskaya, Christine Ebenbichler, Bernhard
Angerer, Gudrun Schmitz-Aghegulan and Frank Laue

Additional name(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: 6/16/04, 6/17/04, 7/9/04, 7/23/04

2. Name and address of receiving party(ies):

Name: Roche Diagnostics GmbHAddress: Seidhoferstr 116City: Mannheim

State/Prov.: _____

Country: GERMANYZIP: D-68305

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

09/269,860

March 10, 2000

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Charles M. DoyleRegistration No. 39,175Address: Roche Molecular Systems, Inc.1145 Atlantic AvenuePatent DepartmentCity: AlamedaState/Prov.: CACountry: USAZIP: 94501

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

8. Deposit account number:

50-0812

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9. Statement and signature.

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Charles M. Doyle (Reg. No. 39,175)

Name of Person Signing

Signature

IP August 2004

Date

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Director of the United States Patent and Trademark Office
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Waltertraud 8/20/04

Attorney Docket No.: 022101-000700US
Client Reference No.: 18500-US

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Waltraud ANKENBAUER of Oberanger 18, Penzberg, D-82377 Germany; Vitaly SVETLICHNY of Warmensteinacher Str. 91G, Bayreuth, D-95448 Germany; Elizaveta BONCH-OSMOLOVSKAYA of Lomonosovski Avenue 33-2-60, Moscow, 117192 Russia; Christine EBENBICHLER of Dorfstr. 5, Antdorf, D-82387 Germany; Bernhard ANGERER of Schuetzenstr. 20, Rosenheim, D-83024 Germany; Gudrun SCHMITZ-AGHEGUIAN of Wettersteinstr. 3, Bernried, D-82347 Germany; and Frank LAUE of Bachaecker 11, Paehl-Fischen, D-82396 Germany hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: THERMOSTABLE NUCLEIC ACID POLYMERASE
FROM THERMOCOCCUS GORGONARIUS

Filing Date: March 10, 2000

Application No.: 09/269,860; and

WHEREAS, Roche Diagnostics GmbH, a German corporation located at Sandhoferstrasse 116, Mannheim, Germany D-68305, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 17.06.04

W
Waltraud ANKENBAUER

Dated: _____

Vitaly SVETLICHNY

Dated: _____

Elizaveta BONCH-OSMOLOVSKAYA

Dated: 17/06/04

Christine Ebenbichler
Christine EBENBICHLER

Dated: _____

Bernhard ANGERER

Dated: 17/06/04

Gudrun Schmitz
Gudrun SCHMITZ-AGHEGULIAN

Dated: 17/06/04

Frank Laue
Frank LAUE

Assignment
Attorney Docket No.: 022101-000700US
Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Waltraud ANKENBAUER

Dated: 09 July 2004

Vitaly SVETLICHNY

Dated: _____

Elizaveta BONCH-OSMOLOVSKAYA

Dated: _____

Christine EBENBICHLER

Dated: _____

Bernhard ANGERER

Dated: _____

Gudrun SCHMITZ-AGHEGULIAN

Dated: _____

Frank LAUE

Assignment
Attorney Docket No.: 022101-000700US
Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Waltraud ANKENBAUER

Dated: _____

Vitaly SVETLICHNY

Dated: 28.07.2004

Elizaveta Bonch-Osmolovskaya
Elizaveta BONCH-OSMOLOVSKAYA

Dated: _____

Christine EBENBICHLER

Dated: _____

Bernhard ANGERER

Dated: _____

Gudrun SCHMITZ-AGHEGUIAN

Dated: _____

Frank LAUE

Assignment
Attorney Docket No.: 022101-000700US
Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: _____

Waltraud ANKENBAUER

Dated: _____

Vitaly SVETLICHNY

Dated: _____

Elizaveta BONCH-OSMOLOVSKAYA

Dated: _____

Christine EBENBICHLER

Dated: 18.06.04

Bernhard Angerer
Bernhard ANGERER

Dated: _____

Gudrun SCHMITZ-AGHEGUIAN

Dated: _____

Frank LAUE

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RMS Patent Department

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AUG 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
Waltraud Ankenbauer, et al.) EXAMINER: R. Hustona
SERIAL NO.: 09/269,860) ART UNIT: 1662
FILED: March 10, 2000) CONFIRMATION NO: 4095
FOR: THERMOSTABLE NUCLEIC ACID POLYMERASE FROM THERMOCOCCUS GORGONARIUS) Atty Docket No. 18500-US

Certificate of Mailing Via Facsimile

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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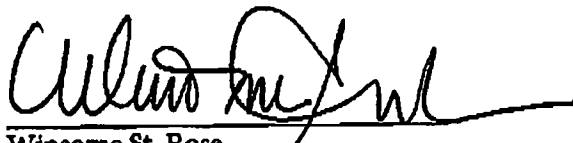
Sir:

Facsimile No. 571-273-8300
Date August 16, 2006

I hereby certify that the attached:

➤ Revocation and Substitution Power of Attorney

is being transmitted via facsimile to the Commissioner for Patents, P. O. Box 1450, Alexandria,
VA 22313-1450.


Winsome St. Rose
Senior Patent Coordinator

Roche Molecular Systems
1145 Atlantic Avenue
Alameda, California 94501
Tele: (510) 814-2972
Fax: (510) 814-2973

EXHIBIT

tabbles

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Waltraud Ankenbauer, et al

SERIAL NO.: 09/269,860

FILED: March 10, 2000

FOR: THERMOSTABLE NUCLEIC ACID
POLYMERASE FROM THERMOCOCCUS
GORGONARIUS

)

) EXAMINER: R. Hutson

) ART UNIT: 1662

) Confirmation No. N/A

) Atty Docket No.: 18500-US

REVOCATION AND SUBSTITUTION POWER OF ATTORNEYCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Roche Diagnostics GmbH, the assignee of the above-identified patent application by virtue of an assignment recorded on August 20, 2004, at Reel 015076/Frame 0901, hereby revokes all powers of attorney previously given and hereby appoints the attorneys and agent associated with

Customer No. 22829

with full power of substitution and revocation, to prosecute this application and to make alterations and amendments therein.

The undersigned has reviewed all the documents in the chain of title, and to the best of the undersigned's knowledge, title of this application is in the name of Roche Diagnostics GmbH.

Please direct all future correspondence in connection with this application to the address associated with Customer No. 22829

Respectfully submitted,

ROCHE DIAGNOSTICS GmbH

August 16, 2006

By:


i. V. Dr. Andrea Küster

August 16, 2006

By:


i. V. Dr. Helmut Schroth

SV
#21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Waltraud Ankenbauer, et al.

SERIAL NO.: 09/269,860

FILED: March 10, 2000

FOR: THERMOSTABLE NUCLEIC ACID
POLYMERASE FROM THERMOCOCCUS
GORGONARIUS

)

) EXAMINER: R. Huston

) ART UNIT: 1662

) CONFIRMATION NO: 4095

) Atty Docket No. 18500-US

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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Respectfully submitted,

Date: 3/16/00

By: Robert W. Mann
Robert W. Mann
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